

AGENDA

MALVERN CITY COUNCIL

Monday, April 12, 2021

Streamed from the Malvern Water Office, 6:30 PM

I. CALL MEETING TO ORDER

II. INVOCATION

III. ROLL CALL

IV. APPROVE MINUTES OF THE PREVIOUS MEETING

A. Regular Meeting – March 8, 2021

V. DEPARTMENT REPORTS

- A. Finance Report
- B. Street Department Report
- C. Police Report
- D. Fire/CEO Report
- E. Animal Control Report
- F. LifeNet Report
- G. Water Works Report

VI. OLD BUSINESS

- A. Ordinance Abolishing Planning Commission –Third Reading
- B. Ordinance Re-establishing Planning Commission – Third Reading
- C. Ordinance Amending Ordinance No. 944 Regulating Service Entrances – Second Reading

VII. NEW BUSINESS

- A. Resolution Amending Res #08-2020 and the 2020 City Budget
- B. Resolution Amending Res #01-2020 and the 2021 City Budget
- C. Ordinance Waving Competitive Bidding for Purchase of City Vehicle, Property and Health Insurance
- D. Authorize Mayor to Sign Agreement with Midland Railroad
- E. Condemnation Resolution – Special Eradication Project
- F. Ordinance Waiving Competitive Bidding – Playground Equipment at City Park

VIII. MAYOR REPORTS

IX. ADJOURNMENT

MINUTES OF THE MALVERN CITY COUNCIL
Monday, April 12, 2021
STREAMED FROM THE MALVERN WATER WORKS OFFICE
6:30 P.M.

The Malvern City Council met for its regular monthly meeting on Monday, April 12, 2021 at 6:30 p.m. via Microsoft Teams and advertised as required by law, due to the Covid-19 Pandemic of 2020. The meeting was available for viewing live on YouTube. Mayor Weldon announced that the opportunities for attending the meeting had been advertised on the City's website (with link provided), the City's Facebook page, and in the Malvern Daily Record.

Mayor Brenda Weldon called the meeting to order and led the invocation and pledge of allegiance. Answering the roll call were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. Also present were City Clerk/Treasurer Phyllis Dial and City Attorney Cecilia Ashcraft.

A motion was made by Council Member Peggy Lusinger, seconded by Council Member Lynn Davis to approve the minutes of the regular meeting held on March 8, 2021. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the minutes of the previous meeting were adopted.

A motion was made by Council Member David Cross, seconded by Council Member Lynn Davis, to accept the Departmental Reports as posted. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the reports were accepted.

Mayor Weldon announced that she had received today, a resolution concerning state aid for a street project within the City. She asked that the Council open the agenda and place the resolution for consideration at tonight's meeting. A motion was made by Alderman Stiles, seconded by Cross, to open the agenda to include the proposed resolution from the State concerning State Overlay Job Project C30004. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the agenda was opened to include the resolution.

Under old business, Council Member Keenan introduced an ordinance abolishing the Malvern/Hot Spring County Planning Commission and the Malvern Board of Zoning Adjustment for its third and final reading by title only. The City Attorney read the ordinance for its third reading by title only. A motion was made by Reynolds, seconded by Cross to adopt the ordinance. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the ordinance was adopted and assigned No. 2021-01.

ORDINANCE NO 2021-01

AN ORDINANCE ABOLISHING ORDINANCE 583 ADOPTED JULY 10, 1958 ESTABLISHING THE MALVERN-HOT SPRING COUNTY PLANNING COMMISSION, ORDINANCE 1097 ADOPTED APRIL 12, 1993 AMENDING ORDINANCE 601 ESTABLISHING A BOARD OF ADJUSTMENT, AND ORDINANCE 2013-04 ADOPTED APRIL 8, 2013 AMENDING ORDINANCES 583 AND 1097.

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Council Member Davis introduced an ordinance establishing the Malvern Planning Commission for its third and final reading by title only. The City Attorney read the ordinance for its third reading by title only. A motion was made by Alderman Keenan, seconded by Council Member Lusinger to adopt the ordinance. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the ordinance was adopted and assigned No. 2021-02.

ORDINANCE NO. 2021-02

**AN ORDINANCE ESTABLISHING THE CITY OF MALVERN, ARKANSAS
PLANNING COMMISSION**

Council Member Lusinger introduced an ordinance governing electrical service entrances in the City of Malvern for its second reading by title only. The ordinance was read for its second reading by title only by the City Attorney. The ordinance will be heard for its third reading at the May 2021 City Council Meeting.

Under new business, Alderman Cross introduced a resolution amending Resolution 08-2020 and the 2020 City budget. City Attorney Ashcraft read the resolution. A motion was made by Alderman Stiles, seconded by Cross, to adopt the resolution. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the resolution was declared adopted and assigned No. 03-2021.

RESOLUTION NO. 03-2021

**A RESOLUTION AMENDING RESOLUTION NO. 08-2020 AND THE BUDGET FOR THE CITY OF
MALVERN FOR THE YEAR 2020**

Alderman Cross introduced a resolution amending Resolution 01-2021 and the City's 2021 budget. City Attorney Ashcraft read the resolution. A motion was made by Alderman Stiles, seconded by Cross to adopt the resolution. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the resolution was adopted and assigned No. 04-2021.

RESOLUTION NO. 04-2021

**A RESOLUTION AMENDING RESOLUTION 01-2021 AND THE 2021 BUDGET
FOR THE CITY OF MALVERN**

Alderman Cross introduced an ordinance waiving competitive bidding for the purchase of the city's vehicle, property, and health insurance for the year 2021. City Attorney Ashcraft read the ordinance for its first reading. A motion was made by Alderman Stiles, seconded by Keenan to suspend the rules and place

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the ordinance on its second reading by title only. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried the ordinance was read for its second reading by title only. A motion was made by Stiles, seconded by Keenan to suspend the rules and place the ordinance on its third reading by title only. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the ordinance was read for its third and final reading. A motion was made by Alderman Stiles, seconded by Keenan to adopt the ordinance. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the ordinance was declared adopted and assigned No. 2021-03. A motion was made by Council Member Lusinger, seconded by Alderman Keenan to adopt the emergency clause of the ordinance. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the emergency clause was declared adopted.

ORDINANCE NO. 2021-03

**AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE
PURCHASE OF THE CITY'S VEHICLE, PROPERTY, AND HEALTH INSURANCE;
DECLARING AN EMERGENCY**

A motion was made by Alderman Keenan, seconded by Alderman Wilson, to authorize the Mayor to sign an agreement with Midland Railroad as negotiated by City Attorney Ashcraft between the Malvern Water Works and Midland Railroad for the railroad crossing located at First and Cabe Streets. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the Mayor was authorized to sign the agreement.

Alderman Stiles introduced a resolution condemning twenty-seven (27) parcels of property included in the City's special 2021 Eradication Project. City Attorney Ashcraft read the resolution. A motion was made by Alderman Stiles, seconded by Alderman Wilson to adopt the resolution. Alderman Reynolds asked for a time frame on the project. Chris Brewster, Code Enforcement Officer and Fire Marshall stated that the email asking for title searches will be sent tomorrow and depending on how long those take to complete, he hopes to have the jobs out for bid by next month. Brewster stated that he hopes the project will be completed within three to six months. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the resolution was assigned No. 05-2021.

RESOLUTION NO. 05-2021

**A RESOLUTION DECLARING CERTAIN PROPERTIES IN THE CITY OF MALVERN, ARKANSAS AS
UNFIT AND UNSAFE STRUCTURES**

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Council Member Davis introduced an ordinance waiving competitive bidding for the purchase of playground equipment for the Malvern City park. City Clerk/Treasurer Dial read the ordinance for its first reading. A motion was made by Alderman Cross, seconded by Council Member Lusinger to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the Clerk read the ordinance for its second reading by title only. A motion was made by Alderman Cross, seconded by Council Member Davis to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the ordinance was read for its third and final reading by title only. A motion was made by Alderman Cross, seconded by Stiles to adopt the ordinance. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the ordinance was adopted and assigned No. 2021-04. Alderman Reynolds asked why the emergency clause was necessary, and Mayor Weldon stated that the price is only good for a certain amount of time and if we wait the thirty days to order the equipment, the price may increase. A motion was made by Council Member Davis, seconded by Alderman Cross to adopt the emergency clause of the ordinance.

ORDINANCE NO. 2021-04

**AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE PURCHASE OF
PLAYGROUND EQUIPMENT FOR THE MALVERN CITY PARK; DECLARING AN EMERGENCY**

Alderman Stiles introduced a resolution accept the City's willingness to utilize State Aid Street monies for Arkansas Job C30004. The Mayor read the resolution. She said that the project will overlay Pine Bluff Street from Wilson to Highway 67, Spruce, Cabe, and Walnut Streets and West Sullenberger by Mel's Dairy Bar. The project is for \$250,000 and includes no cost to the city. A motion was made by Alderman Cross, seconded by Stiles to adopt the resolution. Voting for the motion were Council members William Wilson, Wayne Reynolds, Lynn Davis, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with Mary Fraction absent. All present voting for, motion carried, and the resolution was adopted and assigned No. 06-2021.

RESOLUTION NO. 06-2021

**A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF MALVERN TO UTILIZE STATE AID
STREET MONIES FOR THE FOLLOWING STREET PROJECT: MALVERN OVERLAY AND SURFACING**

There were no Citizens Wishing to Appear. Under Mayor Reports, Mayor Weldon announced that she had spoken with Community Care Pharmacy and they have administered over 6,100 vaccine shots with over half of those including first and second doses. The hospital has administered 2,667 first and second dose vaccines and 1,335 first shots; giving a total of about 10,000 persons vaccinated within the County.


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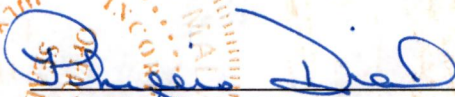
Mayor Weldon also reported that she had checked with Hot Spring County Solid Waste concerning the cardboard issue and the director told her that they are not interested in picking up the cardboard anymore. He advised that it is not cost effective anymore and that it can be dumped at any of the collection sites. He also said that even if the businesses wish to keep the service and pay for it, they are not interested in doing that. He said that it would cost approximately \$80,000 annually for a truck and driver to provide the service. There are approximately 55-60 businesses within the City that are affected, and Solid Waste has notified those businesses via mail about discontinuation of the service. The storage bins for the cardboard located at the business sites have been picked up.

Mayor Weldon reminded the Council that the groundbreaking for the new fire station will be held at the site tomorrow morning, Tuesday, April 13, 2021 at 10 a.m. and all city officials were invited.

Chief of Police Donnie Taber thanked the Mayor and City Council for amending the budget to include purchase of new radios for his department. David Coston, Manager of the Malvern Water Works advised the Council that the 2020 Audit was included in their reports and he will be asking for approval of the audit at the May meeting.

A motion was made by Alderman Stiles, seconded by Alderman Cross to adjourn. With no further business to come before the Council, the meeting was declared adjourned.




Phyllis Dial, City Clerk/Treasurer


Brenda J. Weldon, Mayor

3/5/2021

Malvern Parks
305 Locust
Malvern, AR 72104



Wayne Davis
104 Orchid Dr.
Maumelle, AR 72113

Office: 501.851.0756
Fax: 501.851.4130
Cell: 501.658.0732
Toll Free: 888.571.3116
wayne@davisplaygrounds.com

PROPOSAL

Want Date:

Contact #1: Brenda Weldon

Phone: (501) 332-3638

Fax:

Mobile: (501) 332-7600

E-mail: mavor@malvernar.gov

	Item #	Description/Colors/Mounting/etc...	Unit Price	Freight	Extended Amount
1	SY2992	Synergy 2-5 Play System	\$18,556.00	\$1,883.00	\$20,439.00
24	BTB412	Black Plastic Border timbers	\$27.50	\$265.00	\$925.00
1	ADA	ADA Access Ramp	\$600.00		\$600.00
6	TONS	IPEMA Certified ADA Compliant Rubber Colored	\$375.00	\$761.00	\$3,011.00
1		Davis Playgrounds Discount	-\$4,584.00		-\$4,584.00
		TIPS TAPS Contract 18070401			
		Dumpster must be on site for trash.			
		Malvern 2.0%			
		Hot Spring 1.5%			
		Arkansas 6.5%			
		This proposal consists of 2 pages. By signing customer acknowledges and agrees with the terms as set forth.			
		No orders of equipment will be done without signature.			

Date:

Quote is valid for 30 days on all equipment and install. Quote is valid for 10 days on all freight. Quote excludes site preparation. Customer is responsible for arranging for the off-loading of equipment & check-in. Work done or installations by Davis Playgrounds Inc conforms to all requirements of participating companies. All warranties pertaining to equipment are those of the manufacturer and not Davis Playgrounds Inc. Work done or installations performed by Davis Playgrounds Inc conforms to the requirements of the manufacturers and to the Consumer Product Safety Commission. Davis Playgrounds Inc is certified by National Recreation and Park Association and is a licensed general contractor with the state of Arkansas.

Subtotal	\$20,391.00
Install	\$7,280.00
Tax	\$2,039.10
Total	\$29,710.10

50% Deposit required upon receipt of order: \$14,855.05

Balance of equipment, surfacing, and the install is due upon completion: \$14,855.05